

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 20, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on May 20, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Lynne M. Cooper, Citizen Member
Brenda L. Hale, R.N.
Karen K. Schultz, Ph.D., M.B.A., Citizen Member

STAFF PRESENT:

Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director (joined later)
Amy Davis, Executive Assistant
Donna Lee, Senior Discipline Specialist (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Michael Bagel, Intern, Administrative Proceedings Division
Jessica Glajch, Intern, Administrative Proceedings Division
Nursing students from Sentara College of Health Sciences and South University

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Melissa A. Montgomery, L.P.N. Reinstatement Applicant 0002-072402
Ms. Montgomery appeared.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions; and Diane Hall, mother of Ms. Montgomery, were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:50 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Montgomery. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway

attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:20 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing deny the reinstatement application of Melissa Montgomery and continue the practical nursing license of Ms. Montgomery on indefinite suspension for a period of not less than one year.
The motion was seconded and carried. Dr. Schultz, Ms. Lindsay, and Ms. Cooper were in favor of the motion. Ms. Hale and Ms. Jones-Clarke opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:24 A.M.

RECONVENTION: The Board reconvened at 10:32 A.M.

FORMAL HEARINGS: **Tonyia Bryant, R.M.A. Applicant**
Ms. Bryant appeared, accompanied by a friend, Steve Johnson.

Anne Joseph, Deputy Executive Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board.
Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:26 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bryant. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:59 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing approve the application of Tonyia Bryant to take the medication aide registration exam and issue a registration upon successful completion of the exam and upon verification of entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. Dr. Schultz, Ms. Lindsay, and Ms. Cooper were in favor of the notion. Ms. Hale and Ms. Jones-Clarke opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Sheraye L. Roy, C.N.A. Reinstatement Applicant 1401-113308

Ms. Roy appeared, accompanied by her stepmother, Connie Hairston.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions; and Connie Hairston were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:56 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Roy. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:16 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing reinstate the nurse aide certificate of Sherae Roy upon verification of entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. Further, the Board moved to issue Ms. Roy a reprimand. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:20 P.M.

RECONVENTION: The Board reconvened at 2:30 P.M.

Ms. Mitchell and Lee joined the meeting. Ms. Krohn and Ms. Davis left the meeting.

FORMAL HEARINGS: **Telena L. Bennett, L.P.N. 0002-068483**
Ms. Bennett appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Cecile Custer, Senior Investigator, Department of Health Professions; and Christine Grubb, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:53 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bennett. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Lee, Mr. Bagel and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing continue the practical nursing license of Telena Bennett on indefinite suspension for a period of not less than

two years and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to resume practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 4:20 P.M.

RECONVENTION: The Board reconvened at 4:30 P.M.

FORMAL HEARINGS: **Shanta L. Lawrence, C.N.A. 1401-111181**
Ms. Lawrence appeared, accompanied by her mother, Sonya Steele.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Andria Christian Senior Investigator, Department of Health Professions; Kathy Williamson, R.N., Parham Healthcare; Andrea Holmes, Nursing Home Administrator, Parham Healthcare; Sasha Clarke, Housekeeper, Parham Healthcare; and Sonya Steele, mother of Ms. Lawrence; were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lawrence. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Lee, and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:57 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing revoke the certificate of Shanta Lawrence to practice as a nurse aide with a finding of abuse. The motion was seconded and carried. Ms. Jones-Clarke, Ms. Cooper, Ms. Hale and Dr. Schultz were in favor of the motion. Ms. Lindsay opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 7:02 P.M.

RECONVENTION: The Board reconvened at 7:08 P.M.

FORMAL HEARINGS: **Jamie R. Cook, R.N. 0001-175299**
Ms. Cook did not appear.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manager, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cook.. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:26 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing indefinitely suspend the professional nursing license of Jamie Cook until such time as she can provide verification of completion of the three previously ordered National Council of State Boards of Nursing courses as part of her petition for reinstatement and appears before the Board and provides sufficient evidence that she is safe and competent to resume practice.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 7:30 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director